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CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Malik Jones  
Plaintiff

v.

Mike Evens, Warden  
L. Washington, Correctional Sergeant  
D. Lang, Correctional Officer  
E. CONTRAZ, Correctional Officer  
Jane Doe, Correctional Officer  
Martinez, Correctional Counselor I  
et al,  
Defendants

MOTION FOR  
APPOINTMENT OF  
COUNSEL

Civil Action No. C 07-4277 CW (PR)

ORIGINAL FILED. AUGUST 20, 2007  
E-Filing

Pursuant to 28 U.S.C. § 1915(e)(1) plaintiff moves for an order appointing counsel to represent him in this case. In support of this motion, plaintiff states;

1. Plaintiff is unable to afford counsel. He has requested leave to proceed in forma pauperis.
2. Plaintiff's imprisonment will greatly limit his ability to litigate the issues involved in this case are complex, and will require significant research and investigation. Plaintiff has limited access to the law library and limited knowledge of the law.

3. A trial in this case will likely involve conflicting testimony. And counsel would better enable plaintiff to present evidence and cross examine witness.

### STATEMENT OF FACTS

4. Due to the on going retaliation, torture, harassment and intimidation plaintiff has been and still is being subjected to from High Desert State Prison (HDSP-2) since he was assaulted and kidnapped and forcefully brought to HDSP-2 from Salinas Valley State Prison under fake pretenses which caused officers at HDSP-2 out of constant retaliation to commit unlawful acts of unnecessary excessive force on plaintiff seriously injuring him, beating plaintiff with batons to the point plaintiff right arm broken and at times does not work at all. Plaintiff is right handed and that is plaintiff writing hard. Plaintiff had to have someone else write this motion for him because of the broken right arm.
5. Facts to be noted prison officials here at HDSP-2 are constantly retaliating against me to "clearly" help other prison officials at the other prisons (Salinas Valley State Prison) to make plaintiff not pursue civil actions against them, for violations of plaintiff civil rights and to intimidate plaintiff from filing civil actions on HDSP-2 officials for violating plaintiff's civil rights "mainly" for using "unnecessary excessive force" on plaintiff severely and irreversibly injuring plaintiff (Broken right arm) / "SHATTERED ARM"
6. As part of the retaliation from HDSP-2, officials have refuse to give plaintiff any of his property, legal materials or otherwise. Destroying property and taking plaintiff's legal mail and not given it back, (reading) it.
7. I have a 608 inmate appeal complaint at the 3rd level of review, the Director's level Review with the Chief Inmate Appeals Officer, N. Geannis 1515 Street, Sacramento, California 95814-PO. Box 942883-0001. It's been there well over month more like 2 to 3 months, LOG # HDSP-D-07-02249.
8. With the stated facts, appointment of counsel would help plaintiff retain documents and medical reports so that the court can see and view these statements, and documents.
9. I have also been illegally placed in B.M.U. (Behavior Modification Unit) so that main population inmates will not be able to witness the

retaliation, harassment and torture the HOSP2 prison guards doing to me.

10. On 9-13-07 Officer Betti in building D5, A section on 3rd watch during dinner has been throwing my food trays through the tray slot so the food falls on the floor of the cell, causing the tray to strike me. Then Officer Betti would come back with several other Officers and Officer Betti and ~~some~~ other Officers would enter my cell against regulations because a sergeant ~~is~~ has to be present and no sergeant was ever present. The other Officers are Bradingham and Cunningham. and Officer Hunter is the tower Officer who was told to open my cell by these Officers. I thought they were going to "kill" me. Other inmates had to withhold their food trays and make a lot of noise to get the Officers to retreat out of my cell, ~~\_\_\_\_\_~~
11. Finally Sgt. M. Deforest came and "falsely" told prisoners he would have a incident report written and a CDC 7219 medical report on me. It never happen.
12. Later that night nurse Kipton pass by delivering medications and was informed about the incident that had occurred. she said ok and did nothing.
13. Then on 9-15-07 Officer Betti did the same thing with the the food tray. This was "Deliberately Done" by Officer Betti.

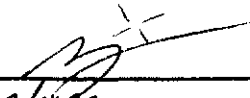
Wherefore, plaintiff request that the court appoint Michael W. Bien, a member of the State Bar as counsel in this case.

This Attorney works at "Rosen, Bien & Galvan, LLP, Attorneys-At-Law; P.O. Box 390; San Francisco, CA. 94104 or Luti Parker, Attorney At-Law, also a member of the State Bar. The Luti Law Firm, 6255 Sunset Blvd. Suite 714, Hollywood, CA. 90028."

"Plaintiff fears for his life"

I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct.

Date: 9-20-07

  
\_\_\_\_\_  
Signature